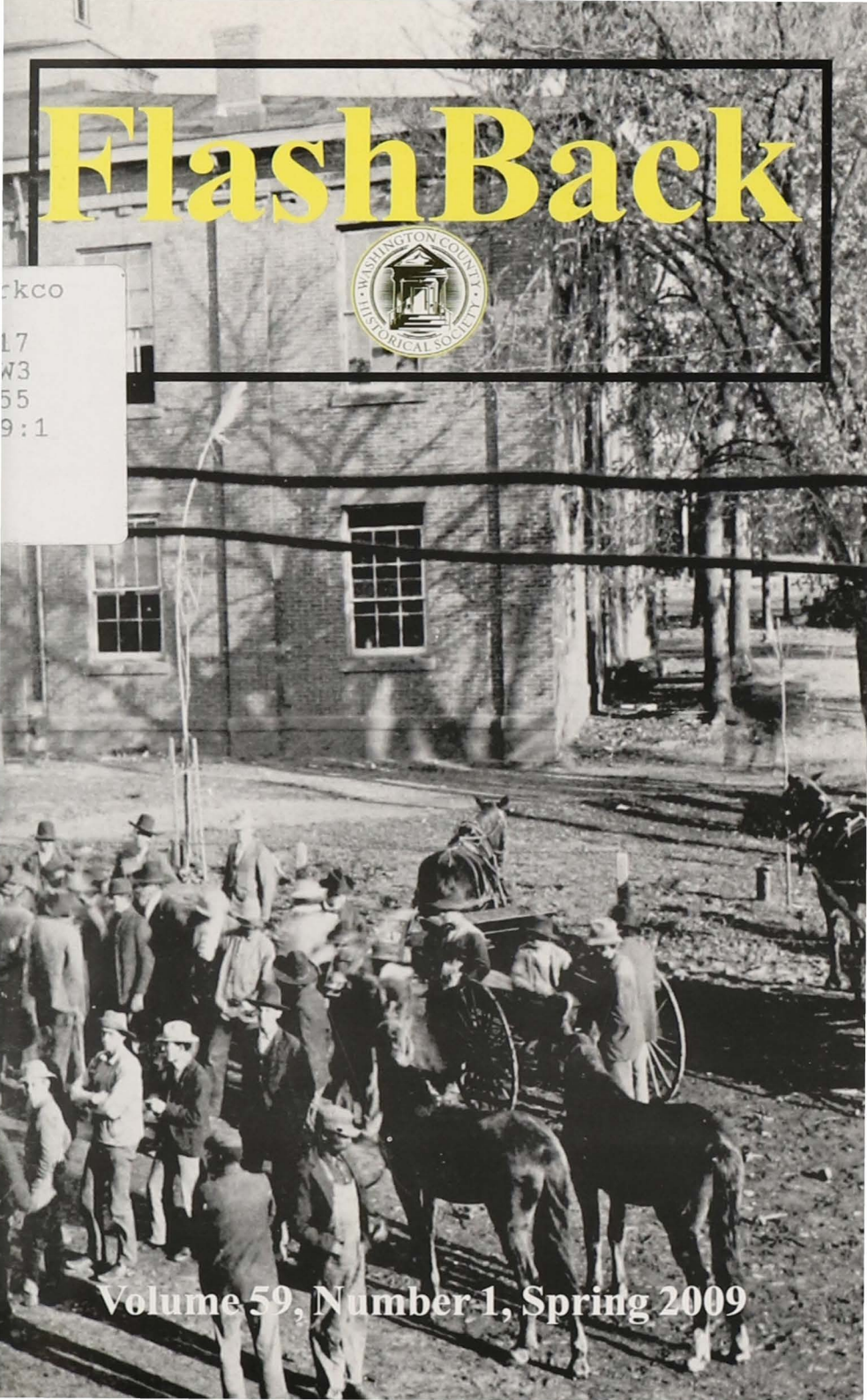

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FLASHBACK

Journal of
the Washington County Historical Society

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Cover: Burning whiskey on the grounds of the Washington County Courthouse, October 25, 1902.

(Photo courtesy of: Shiloh Museum of Ozark History/ Washington County Historical Society Collection, P-260A)

Burning whiskey on the grounds of the Washington County Courthouse, October 25, 1902.
(Photo courtesy of: Shiloh Museum of Ozark History/
Washington County Historical Society Collection, P-260A)

Alcohol Regulation in Early Washington County

Denele Campbell*

Pioneers who settled Washington County and other areas of the state in the early 1800s would have been shocked and likely chagrined with new laws passed before the end of the century which regulated and ultimately prohibited the use of alcohol. Personal freedoms taken for granted by men who forged the frontier slowly eroded as reform elements in society attempted to change the nation's drinking habits. Along with such regulations, however, came an onerous cost to the young nation as commonly accepted behavior became criminalized.

Early efforts to regulate alcohol in Washington County followed actions by the territorial legislature in 1802 which forbid the sale of "any spirituous, vinous, or other strong liquor" to Indians and a second action in 1820 requiring licenses for taverns and imposing a tax on distilleries in order to secure revenue for government operations.[1] Essentially unenforceable, the laws nevertheless made it possible for local authorities to single out particularly troublesome owners of dram shops and taverns for prosecution. Drink among responsible white men did not provoke condemnation, as a general rule. Consumption of alcohol had been part of the cultural tradition that came to the New World along with the colonists.

Among the first acts of the state legislature after statehood in 1836 was legislation allowing municipalities and other local governmental entities to license taverns or even stop the sale of alcohol within their jurisdictions. But temperance held little attraction among a majority of Southerners whose culture included respect for those who could "hold their liquor" and even less appeal among freeholders who believed they had the right to do whatever they wanted on their own land including turning a modest portion

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*The author is a frequent contributor to the *Flashback*. She lives in West Fork.

of their grain crops into whiskey. Most alcohol manufacturing took place locally, some for personal use only but often by men who owned taverns or dram shops, and made use of nearby agriculture, turning a bulky commodity into a valuable and more easily transportable item. As noted in the 1989 *History of Washington County*, "whiskey [was] a favorite and widely used medicine, a handy trade item, [and] the elixir of pioneer social intercourse."[2] So a more common-sense approach for local government was to regularly remind dram shop and tavern owners to renew their licenses, thereby augmenting operational funds for the government and appeasing abstainers with a modicum of regulation.

The term "dram shop" was often used interchangeably with "tavern," although the term originally referred only to establishments which sold liquor by the dram. One dram is a very small measurement equal to about one teaspoon. Informally, a dram could be any small amount of liquor. Such measurement of whiskey derived from Scotland, where the word "dram" was often prefaced by "wee," and which even now may refer to any sized drink of the good stuff, depending on the occasion and company. Similar terms would include drop, jigger, shot, sip, tot, nip, slug, or snort. "Dram shop" remains a legal term referring to establishments which dispense alcohol by the drink and which are subject to regulation by the state government. Increasingly targeted by the temperance movement, by the mid-19th century dram shop owners became legally liable for any untoward results of over-serving patrons. Taverns, on the other hand, were originally places where travelers could obtain lodging and food, as well as drink. Because they provided alcoholic drink, both types of establishments were required to obtain a license in early Washington County.

During the first decade of county records, the following Washington County men and/or partnerships obtained license for a Dram House or Liquor sales:[3]

1835

A. & I. D. Parks, Cane Hill

1836

James P. Hume
McGarrah & Hubbard, Fayetteville
James Moore, Cane Hill Twp
Boice Walker
Willis Wallace, Fayetteville

Wilson & Brothers, Vineyard Twp

1837

Samuel M.Cowdry, Vineyard Twp
Henry Cureton
McGarrah & Hubbard, Fayetteville
Shannon & Harnage, Vineyard Twp
George Spencer, Cane Hill Twp
Willis Wallace, Fayetteville
Wilson & Brothers, Vineyard Twp

1838

James Barnes, Vineyard Twp
John Fitzgerald, Prairie Twp
Matthew Hubbard, Fayetteville
E. W. McClellan, Boonsboro
Moore & Allen, Cane Hill Twp
Willis Wallace, Fayetteville

1839

Calvin Cole, Illinois Twp
Charles Delaney, Vineyard Twp
Gillett & O'Bryant, Fayetteville
Matthew Hubbard, Fayetteville
Johnson & Kinnida
McRary & Donals, Illinois Twp
O'Bryant & Gillett, Illinois Twp
John Reagan, Illinois Twp
Safford & Pollard, Fayetteville
Sneed & Baltz, Fayetteville
Willis Wallace, Fayetteville

A tavern license was issued in 1837 to John Bostic of Fayetteville, who was likely not the only inn keeper of the county who served alcohol at this time. By 1839, more inn keepers had been brought into the fold:

James Byrnside, Fayetteville
John W. Onstott, Fayetteville
John M. Shuckley, Fayetteville
Wilson & Brother, Vineyard Twp

Biniiger's Old Kentucky Bourbon Label, ca. 1860
Courtesy : Prints and Photographs Division,
Library of Congress

Many of the names listed above can be found in chronicles of early county life. Sons of Fayetteville's reputed first settler James McGarrah, both John McGarrah and his brother William sold liquor, and also entered into business partnerships which were licensed in Fayetteville. According to one family historian, "William McGarrah opened a store at present site of the Cosmopolitan Hotel [southeast corner of East and Meadow]... April 11, 1836, Judge J. M. Hoge directed the court clerk to 'pen to William McGarrah and Mathew Hubbard a dram shop license' for a twelve month period to retail spiritous liquors in Fayetteville, upon sheriff's receipt of $20."[4] In an 1860 interview, it was reported that "by the time a few people had settled around Fayetteville [John McGarrah] had entered into 'business' selling 'as good an artikel of them ar sperits as was ever fetch down the Massasippy.' A long time he sold 'them ar.'"[5]

Purveyors of alcoholic drink in the county's other early settlements included Calvin Cole at Summers, the oldest son of John Cole who is said to have been the first landowner in that area. John served as postmaster (Sylva) and after later moving to Texas, practiced medicine and pharmacy. Calvin's commercial enterprise was likely at Summers or possibly Cincinnati.[6] At Cane Hill, James Moore sold alcohol by 1836, was likely partner in the 1838 Moore & Allen license and was probably related to R. T. Moore, licensed also at Cane Hill in 1840. Also at Cane Hill, Evan White McClellan, son of illustrious Revolutionary War hero William McClellan, took over the Cane Hill properties of his father in 1842. Along with co-founding the state's first college there, the McClellans operated local steam mills, stores, and other commercial enterprise.[7]

John Fitzgerald, who later operated a stagecoach stop on the Butterfield Road, would have considered strong drink one of the necessities of his accommodation. Likewise, James Byrnside's early log cabin Fayetteville inn, later called Byrnside Tavern, catered to weary travelers with hot food and warming drink.[8]

Arrests during the county's early years perhaps reveal something about the nature of men who moved into the wilderness. Washington County's first arrest, in 1829, was Hiram Johnson, for larceny. In 1830, Samuel Lowell was arrested for selling whiskey to Indians, while nine men were charged with assault and battery (including several probably-related Williams kinsmen: Thomas, Frances twice, Ambrose, and Samuel). Four counts of trading with Indians, against J. M. Graham, were dismissed. In 1831, ten men were charged with assault and battery (including Frances and James Williams), two for "gaming," one for horse stealing (later found not guilty), one for slander, and one with selling liquor to an Indian. (Two men, Sebron Sneed and Reuben Reynolds, were charged both with gaming and assault and battery.) In 1832, five assault and battery arrests were made (including Sally Davidson), with one for murder, one for accessory to murder, two for gaming, three for "laboring on the Lord's Day," two for passing counterfeit money, one for selling spirituous liquor on the Sabbath, and two for selling liquor without a license. Three of the charges involved one man, Isaac Crow, likely for one incident involving the Sunday sale of liquor without a license.[9] Of the county's 2182 inhabitants in 1830, there was an average of fifteen indictments/court actions per year, or about .07% of the population.

Licensee Willis Wallace, son of early Fayetteville settler William Wallace, gained notoriety over an incident in 1839. According to one Wagnon family historian, John and Thomas Wagnon along with their brother-in-law John Curry "were engaged in a card game on Sunday morning in Fayetteville. Several citizens including a Willis Wallace attempted to put a stop to the game. A fight ensued. Wagnon escaped town with the money but Curry and several others were killed by this Wallace. Wallace was a known killer, killing even after this episode. He went to trial but was acquitted and lived his life out in Texas."[10]

During the period that Arkansas gained statehood, a national temperance movement had begun as part of the religious fervor of the Second Great Awakening[11] and in response to the need for a sober workforce to man the machines of the increasingly industrialized economy. As noted in Ben Johnson's chronicle of alcohol regulation in Arkansas, *John Barleycorn Must Die,* Fayetteville hosted a well-established temperance movement by 1841, at which time the local chapter was humiliated by the discovery that its vice president had fled to Texas after embezzling over $20,000 through his job at the bank.[12] Perhaps stirred to greater vigilance by this event, the society publicly excoriated a member who confessed to drinking wine. In another "outing," the society issued a summons against such noteworthy citizens as Joseph J. Wood, John J. Stirman, and H. J. Sanderson for "the violation of their pledge to said Society." According to an account of the Fayetteville Temperance Society 1841-1844, published in the *Arkansas Historical Quarterly*, "Sanderson arose and publicly confessed that he frequently drank Ardent spirits and sometimes to excess." The Society made plans to report him as a person unworthy of membership.[13]

Fayetteville's 1840s newspaper *The Witness* ("The Voice of the People in the Will of God") ran notices of the Society's meetings, which stated that "At said time and place all friends to the cause of temperance and all who would become members of the society are requested to attend." An article published February 16, 1841, noted: "At the adjournment of the Temperance Meeting held in this place on Monday evening last, we learn there was an accession of fifty new members. We have been informed by an officer of the society, that it now numbers in all over one hundred and thirty persons, among whom were many who were heretofore conceived to be irreclaimable tipplers. [At this same time period, Clarksville's society

Old Crow Whiskey Label, ca. 1870
Courtesy : Prints and Photographs Division,
Library of Congress

claimed 300 membership and Fort Smith's 100][14] ... The general appearance of our town has quite altered. We see but little lounging in the groceries, or about grocery doors. Each man appears civil and well-disposed toward his neighbor, and instead of indulging in wrangling and rioting, engages in rational conversation or reading, and minds his own business. Our churches are generally well filled; and there is not so much *dodging in at grocery doors after service*, as formerly. Those few topers who are left, are even *said* to wear a shamed face when caught in the act of using "the article." We hope the time is not far distant, when every citizen will use his influence to forward and establish upon a sure basis this commendable and praiseworthy association." [italics in original] Among other items in the pages of *The Witness* was notice for the Fayetteville Academy, which listed its terms, trustees, and other operational details including: "No scholar shall frequent a grocery, either with a view of drinking himself, or being amused by those who may be intoxicated."

That said, however, the newspaper included on its list of agents at least one licensed dram shop owner, Mr. E. W. McClellan for Cane Hill. It also accepted advertisement for liquor from such regional concerns as Scott, White, and Co. of Van Buren, who routinely advertised "Groceries – Just received and for sale low for CASH, 20 sacks Havana and Rio

Coffee, 20 boxes Sperm candles ... 20 kegs best Pickles ... 3 pipes best Cogniac Brandy, 10 bbls Molasses; 2 tierce Rice, 40 boxes best Havana Cigars ... 100 sacks Salt, 200 bbls Whiskey ... Lead and Powder, &c., &c." and for "Entertainment" from John H. Newman of Ozark, who noted in his ad that "This subscriber takes this method of announcing to the public that he has again taken possession of the Tavern house formerly occupied by him in the Town of Ozark. Grateful for the liberal patronage heretofore received, he will spare no pains to accommodate those who may favor him with a call."

In general, the law and its enforcement did not reflect the intolerance of temperance activists. A united effort by state temperance chapters in 1842 to push through legislation prohibiting alcohol sales, or even substantially increasing licensing fees, failed. The record of Washington County licenses issued in the 1840s for dram houses or liquor sales continued to include names of the county's upstanding citizens:

1840

B. Hoomenbarger, Fayetteville
Matthew Hubbard, Fayetteville
Jenks & Wilson, Vineyard Twp
Bartley Johnson, Vineyard Twp
Jesse Mayfield, Vineyard Twp
John McGarrah, Fayetteville
R. T. Moore, Boonsboro
O'Bryant & Gillett, Fayetteville
Elijah O'Bryant, Illinois Twp
B. H. Smithson, Fayetteville
Edward C. Sneed, Fayetteville
Nathaniel Wafford, Vineyard Twp

1841

John Ballard, Hillsborough
John Bostic, Vineyard Twp
Elkins & Davis, Evansville
Gillett & O'Bryant, Fayetteville
George Herndon, Fayetteville (married Cynthia McGarrah, daughter of John McGarrah)
Hubbard & Lynch, Fayetteville

McClellan & McClure, Boonsboro
Joseph Moore, Fayetteville Race Track (Joseph Moore was the son of Samuel Moore, lieutenant in the War of 1812 and close friend of Andrew Jackson. The Moores settled near Fayetteville in 1836, where they farmed land now at the intersection of Highways 112 and 540. The site included Joseph's horse racing track by the 1840s.)[15]
Elijah O'Bryant, Illinois Twp
Pollard & Safford
N. & C. Wafford, Vineyard Twp
Leonard Wallace (Willis' youngest brother)

1842

Alfred Chandler, Illinois Twp
Gillett & O'Bryant, Fayetteville
George Herndon, Fayetteville
Hubbard & Lynch, Fayetteville
McClellan & McClure, Boonsboro
Norman & Rowan, Vineyard Twp
John F. Safford, Fayetteville
B. H. Smithson, Fayetteville
William Vining, Hillsborough

1843

George Herndon, Fayetteville
Hubbard & Lynch, Fayetteville
McClellan & McClure, Boonsboro
William McGarrah, Fayetteville
Elijah O'Bryant, Illinois Twp

1844

Milton Breedlove, Fayetteville
Henry Hill, Fayetteville
Ezekiel Lane, Fayetteville
Devault Martin, Evansville
McClellan & McClure, Boonsboro
William McGarrah, Fayetteville
Granville B. Shannon, Evansville

Maurice Wright, Boonsboro

1845

Jacob Coats, Fayetteville

Tandy Kidd, Van Buren Road (a miller near Cane Hill)[16]

Ezekiel Lane, Fayetteville

Devault Martin, Evansville

William McGarrah, Fayetteville

Granville B. Shannon, Evansville

Maurice Wright, Boonsboro

1846

Jacob Coats, Fayetteville

John Grant, Fayetteville

Henry Hill, Fayetteville

Ezekiel Lane, Fayetteville

Devault Martin, Evansville

William McGarrah, Fayetteville

Granville B. Shannon, Evansville

B. H. Smithson, Fayetteville

T. C. Wilson, Boonsboro

Maurice Wright, Boonsboro

1847

George Herndon, Fayetteville

Tandy Kidd, Van Buren Road

Devault Martin, Evansville

William McGarrah, Fayetteville

Granville B. Shannon, Evansville

Charles Wafford, Vineyard Twp

F. C. Wilson, Boonsboro

N. B. Wilson, Fayetteville

1848

McCracken & Hood, Vineyard Twp

William McGarrah, Fayetteville

Granville B. Shannon, Evansville

Smith & Freyschlag, Vineyard Twp

William A. L. Throckmorton, Fayetteville

Charles Wafford, Vineyard Twp

1849

Devault Martin, Evansville
James McCracken, Vineyard Twp
William McGarrah, Fayetteville
Safford & Pollard, Prairie Twp
Granville B. Shannon, Evansville
William A. L. Throckmorton, Fayetteville
Henry Wilson, Boonsboro

Tavern licenses during this period were as follows:

1841

John W. Onstott, Fayetteville

1842

James Byrnside, Fayetteville
John W. Onstott, Fayetteville

1845

Tandy K. Kidd, Van Buren Road
William McGarrah, Fayetteville
John W. Onstott, Fayetteville

A review of the circuit court record in the period 1840-1842 finds 37 actions for assault and battery, five arrests for murder, two for rape, one for robbery, one for stabbing, one for shooting, two for shooting with intent to kill, one for challenge to a duel, and two for malicious mischief, eight for larceny, eight for "affray" (an act of suddenly disturbing someone), one for riot, with eight for gaming, two for keeping a gaming house and one for permitting gaming, nine for breaking the Sabbath, two for horse stealing and one for obstructing the road, with one for retailing liquor without a license and another alcohol related indictment for keeping a tavern without a license against James Byrnside, which must have come as an unfriendly reminder to Mr. Byrnside that he had failed to annually tithe the local government even though he had obtained license in 1839. William Vining's one-time 1842 license to operate a dram shop may have been compromised by his arrests for gaming and for permitting gaming. Out of the 1840 population of 7148, an average of 31 arrests per year constituted .04% of the county's citizenry.

Dram shop and liquor licenses issued the first half of the next decade

were as follows:

1850

Thomas H. Boyce, Fayetteville
Thomas Jackson, Cincinnati
Devault Martin, Evansville
William McGarrah, Fayetteville

W. H. Rhea, Illinois Twp (Son of the pioneer Rhea family of western Washington County, William reportedly opened a store in thriving Cincinnati in 1851. "The town had a certain attraction to outlaws who escaped justice by hiding in the Indian Nation, but who came to Cincinnati for supplies and to gamble at a hotel called the Cincinnati House. The gambling seems to have attracted a significant number of the get-rich-quick crowd, for one winter night in 1856 William was enticed into gambling. After playing all night he had won a pot worth thousands of dollars. It is said he decided not to gamble anymore and instead to go into the milling business. The big winnings from the Cincinnati House were invested in what was called the finest mill ever built west of the Mississippi."[17] Local histories fail to mention what role whiskey may have played in William's success.)

Granville B. Shannon, Evansville
William A. L. Throckmorton, Fayetteville
John W. Wilson, Boonsboro

1851

D. W. Denningberg, Evansville
Jefferson Eldridge, Evansville
E. S. Liles, Fayetteville
Devault Martin, Evansville
William McGarrah, Fayetteville
Baxton Raper, Evansville
William H. Rhea, Cincinnati
Granville B. Shannon, Evansville
Thomas Taylor, Cincinnati
William A. L. Throckmorton, Fayetteville

1852

John M. Bell, Marrs Hill, Twp
William C. Harris
Legg & Bright, Vineyard Twp

E. S. Liles, Fayetteville
I. F. Marrs, Evansville
Devault Martin, Evansville
William McGarrah, Fayetteville
David A. Price, Cincinnati
Thomas Taylor, Cincinnati
William A. L. Throckmorton, Fayetteville
Charles Wafford, Vineyard Twp
John W. Wilson, Boonsboro

1853

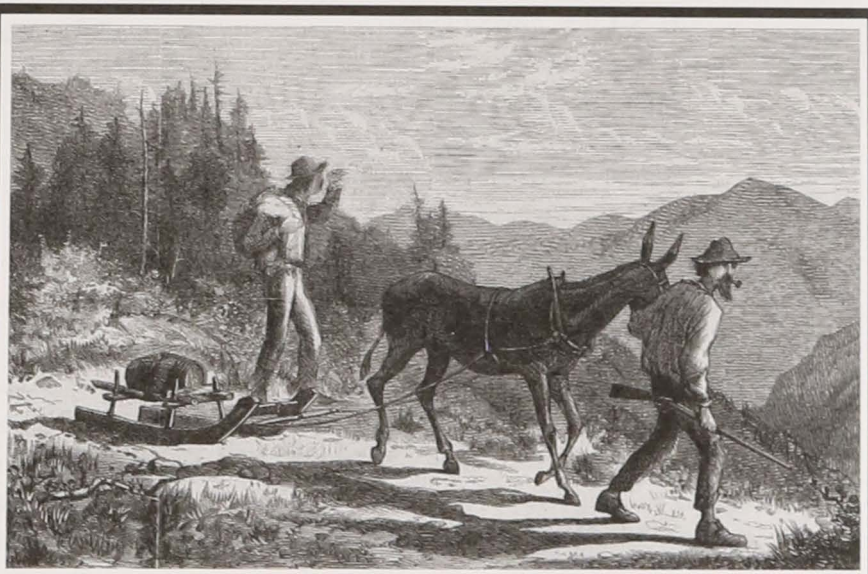
James C. Hodges, Fayetteville
Kyrkendall & Barron, Mountain Twp
E. S. Liles, Fayetteville
Thomas R. Marquis, Cincinnati
Devault Martin, Evansville
William McGarrah, Fayetteville
Meredith Oxendine, Vineyard Twp
William A. L. Throckmorton, Fayetteville

1854

Liles & Thomas, Fayetteville

By 1850-1852, arrests for assault had decreased to 22, with two for affray, seven for larceny, and one each for bastardy, mayhem, maiming, assault with intent to inflict bodily injury, assault with a deadly thing, and accomplice to murder. There were up to seven arrests for murder (mostly Native Americans) and four for assault with intent to kill. Gaming resulted in twelve arrests, while two licensed liquor retailers were arrested for selling spirits to a slave (William Throckmorton, William McGarrah). One person was arrested for selling liquor without a permit. A average of 22 arrests per year for the 9970 inhabitants comprised .02% in 1850.

Three arrests of Throckmorton were among the 22 arrests for assault, as well as one of the gaming charges. His name also appears with an assault charge in the 1840-42 period. Yet William, son of esteemed Fayetteville physician and brother to an early Texas governor, sat on a Washington County jury in 1843, served as a justice of the peace in 1850-51, performed marriages, and held the position of deputy sheriff in 1854 and possibly longer. While serving in the Mexican War (1847), William



Illicit liquors were delivered in the South by mule-drawn sleds, 1867
From: *Harper's Weekly*, December 7, 1867

rode alongside the esteemed Colonel Archibald Yell, later reporting that he had been "by his side when killed and that he deliberately charged the line of gleaming lances, rising in his stirrups and sabering right and left until unhorsed. ... William ever declared that he avenged the death of Yell by running the lancer through on the spot."[18]

Advertisements during this period by local merchants offered a wide range of alcoholic drink available to the public. In 1853, Liles & Thomas advertised "the best family supplies," confectionery, and "mackerel, Scotch herring, sardines, lobsters, and fresh fat oysters, hermetically sealed and prepared for immediate use," along with "Liquors: Cognac and American brandies, Bourbon and all the celebrated brands of cincinnati whiskies, Geneva, pure claret, sweet wine, port wine, Malga, Teneriffe, Madeira, and Champagne Wines! New Ark Cider, cherry bounce, brandy cherries, cordials, etc."[19]

Reflecting the increased regulation and growing public hysteria about alcohol use under the incitement of temperance activists, the issuance of licenses in Washington County dropped off dramatically by the mid-1850s. In 1855, the Arkansas legislature passed a law allowing local townships to vote whether to allow alcohol sales within their boundaries. Fayetteville's

South-West Independent carried frequent comment on this state of affairs.

> February 10, 1855: "Bear it in mind, that the law now in force, in regard to retailing ardent spirits, requires the individual wishing to set up a dram shop to present to the county court a petition signed by *a majority of* the voters of the township in which the grocery is to be located, before he can obtain license to retail drams!
>
> "Some of these petitions are already before the people, and it will soon be tested whether a majority of voters of Washington county are in favor of retail liquor shops or not. We believe, however, that there is, at present, only one licensed grocery in the county, and it may be that the hundred dollar tax will prevent the test from being applied to all but Prairie township; if so, the present law will affect only the people in and about Fayetteville. Practically, the passage of this law can affect Washington county but little. Still, for its moral effect, the public mind ought to be wide awake upon the subject, and act from principle.
>
> "How would it do to hold public meetings and have a little free discussion upon the subject? We make the suggestion and hope to see it acted upon; in this way both sides of the question may be freely and fairly presented to the public. We want the test to be a fair one."

> February 17, 1855: "To the Citizens of Prairie Township. By an act of our late Legislature, it devolves upon you, the independent voters of this Township, to say whether or not our county seat shall still be cursed with Licensed Dram Shops. The dram-seller is now forced to come to you personally and solicit your votes– to ask your signatures to his petition, for the privilege of retailing Ardent Spirits. He must seek many of you at your

own homes, surrounded by your families – your wives and your children – and there, in that sacred retreat, ask you to aid him in erecting a Temple upon whose unholy shrine will be sacrificed the peace, happiness, and fondest and most cherished hopes of many a family–the sacred affection of homes–the health, wealth, credit, good name, moral feeling, integrity, and all good and noble aspirations of many in whose happiness and well being, you, perhaps possess a deep and abiding interest. ...

"It has been argued, and will still be urged to you, that if retail shops are proscribed, the evils of Intemperance will not be, in the least, diminished! ... [But] are you willing to see your names upon the public records as petitioners for a dram shop? Are you willing that in coming years, the bereaved and suffering widow, whose bitter despairing tears have bedewed the hopeless grave of a drunken husband, that the beggared neglected orphan shall come up to our courthouse and find your names recorded as those who aided in rearing the haunt of temptation and sin, where the husband and father fell?

"Are you willing that the citizens of other portions of our county and State, and strangers from other lands, when they come to Fayetteville, and see the drunken miserable wretches wallowing in the filth and mire of the streets, or brawling before the doggery door, may be able to go and read your names ...?

"Who ever heard of a decent grog shop? True, one may be conducted with a kind of relative decency; for as crime admits of deeper and darker shades, so may a doggery sink still lower and lower in the disgusting scale of loathsomeness and depravity! Go to the most respectable dram shop

> in the land, and what sickening odors greet your nostrils! What coarse, brutal, obscene and blasphemous sounds penetrate your ears! ... [The author, signed "ANTI-GROCERY" continues for most of two columns.]

Meanwhile, clever men set about providing the public with a more socially-acceptable alternative that still offered users a means to intoxication. Maine was among the first states to pass laws restricting liquor sales. And it was in Maine that David Hostetter went into business with his concoction of famous "bitters". With an estimated 39% alcohol content, the product rapidly gained widespread popularity. Based on a review of federal revenue stamps, one researcher calculated that between 1863 and 1883, Hostetter's generated about one million dollars per in retail sales. At the time of his death in 1888, Mr. Hostetter left an estate worth over $18 million.[20] Fayetteville's newspaper ran wry observances on this state of affairs. For example, on June 16, 1855: "'Well, old fellow, what are you going to do, now the Maine Law is passed?' 'Do? Why, first rate, to be sure. I shall turn all my liquors together, spice them well, put them in half pint bottles, labeled Phenix Bitters, Schiedam Schnapps, or compound extract of Sarsaparilla, and in five years you will see me building a gingerbread palace on Fifth Avenue, with a private chapel and two parsons under regular salary. That's what I shall do!'"

The same page included a piece entitled "Rattling" which stated, in part: "Times are improving, decidedly. On Tuesday morning Dr. Stevenson filled our water-bucket with ice. Now how much more moral, drinking had we than Danley with his vile rot-gut which he has been receiving for some time past, as presents, with fancy names, from some of the bars in his neighbors hard-by. There has been nothing in Little Rock for a year past but rot-gut; and Captain, your friends may send you around every day huge bumpers of palatable mixtures, but let them disguise them as they may, with ice, spices, and rare ingredients, you get nothing but rot-gut *still*...

"Whiskey drinking should assume a different phase in politics. Hitherto the question of prohibition has only been considered. Henceforth it should be regarded as a question of North and South. Whisky comes from Cincinnati, the great abolition hole of Ohio–the home of Harriet Beecher

Stowe, the terminus of the underground railroad which freights our negroes to Canada. – Now the abolitionists desiring, at all times and by all means, to injure the South, make their whisky as poisonous as possible ... How can you drink Cincinnati whisky? If you must needs drink whisky, drink Bourbon. ..."

And in an adjacent column: "Danley and Dick are belaboring one another dreadfully about whisky. Now the whole cause of dispute is this: Each thinks the other's whisky better than his own. Both are deceived. If they will swap, Danley will find Dick's jug rot-gut, and Dick will find Danley's rot-gut."

In spite of the peppered public dialogue that took a rather long view of temperance arguments, subsequent issuance of licenses reflected the very restricted landscape for retail liquor establishments in Washington County. But although the more vocal constituency ruled the day, the government's encroaching disregard toward long-held drinking rights provoked more than one outcry, no doubt more so in private than in the public realm. One of Fayetteville's prominent merchants and licensed liquor retailer, J. C. Hodges, used his 1855 advertising space in the paper to voice his opinion.

And well-paid advertising space ran in every issue for such conglomerations as Hostetter's Bitters and his competition, such as Comstock's Azor's Original Turkish Wine: "The great remedy for general debility, weakness, loss of appetite ... The WINE is the most pleasant and effectual remedy ... It is so agreeable to the taste that any one asking it soon prefers it to any other wine ..."[21] A history of Comstock's various patent medicines including Azor's Turkish Wine finds that laudanum [a preparation of alcohol and opium] was on the short list of ingredients routinely used in their formulations. [22]

Licenses issued in the rest of the decade were:

1855

James C. Hodges, Fayetteville

1856

Burrell Featherstone, Fayetteville

James C. Hodges, Fayetteville

1857

Walter Asher, Marrs Hill Twp

Stephen P. Ellis, Fayetteville

James C. Hodges, Fayetteville
McRoy & Job, Fayetteville

1858

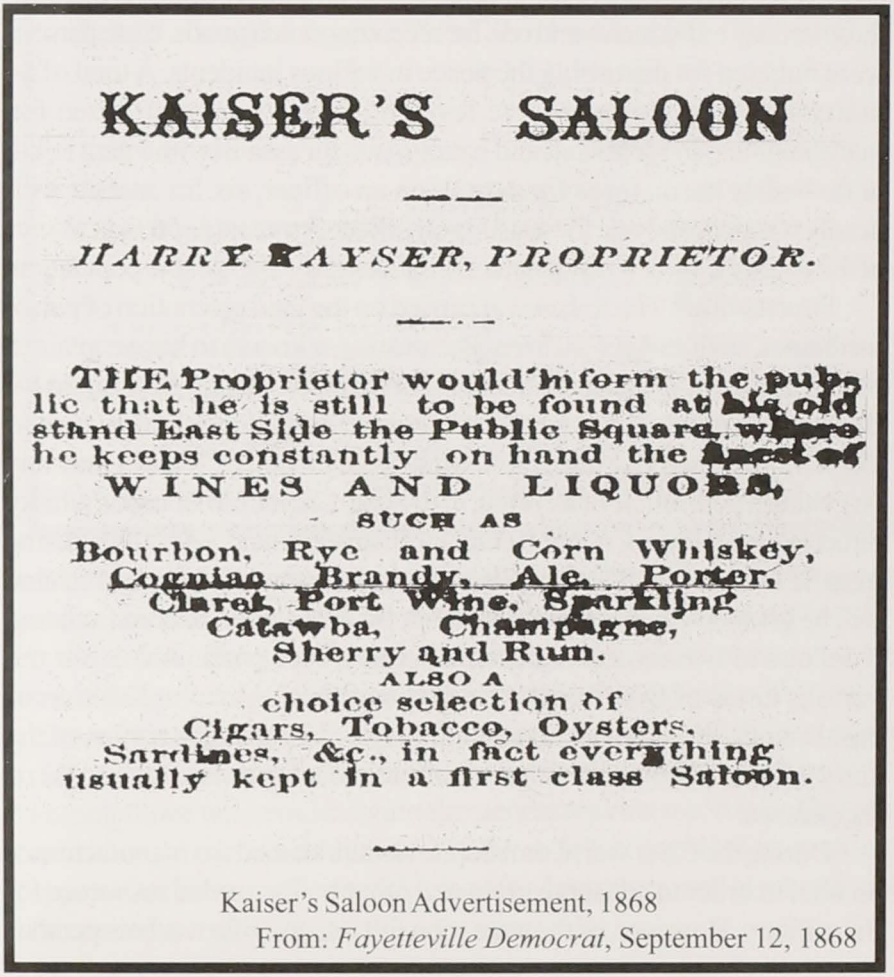
James Barnes, Fayetteville
James C. Hodges, Fayetteville
John M. Sharp, Liberty Hill
Thomas M. Williford, Fayetteville

1859

James C. Hodges, Fayetteville
John M. Sharp, Liberty Hill

1860

William R. Dye, Hog Eye



KAISER'S SALOON

HARRY KAYSER, PROPRIETOR.

THE Proprietor would inform the public that he is still to be found at his old stand East Side the Public Square, where he keeps constantly on hand the finest of

WINES AND LIQUORS,

SUCH AS

Bourbon, Rye and Corn Whiskey,
Cognias Brandy, Ale, Porter,
Claret, Port Wine, Sparkling
Catawba, Champagne,
Sherry and Rum.

ALSO A

choice selection of
Cigars, Tobacco, Oysters,
Sardines, &c., in fact everything
usually kept in a first class Saloon.

Kaiser's Saloon Advertisement, 1868
From: *Fayetteville Democrat*, September 12, 1868

James Malicoat, Hog Eye

Only two licenses were issued for the operation of a tavern during the 1850s: William Adams in 1855, Fayetteville, and John W. Onstott in 1856, Fayetteville

With the approach of the war between the states, public attention was largely diverted from talk of temperance. In 1860-61, there were eleven arrests for alcohol offenses: three for selling spirits to a slave, three for retailing "ardent spirits" without a license, one for selling liquor in Illinois Township (Cincinnati) which by this time had voted itself dry, and four for selling liquor to an Indian. Other "morals" arrests were eleven for breaking the Sabbath (playing cards), thirteen for gaming, two for cohabitation, and one for disturbing a religion congregation. Property offenses included three larceny indictments and one for receiving stolen goods. Nine persons were indicted for disturbing the peace in various incidents. A total of 64 indictments for violence were leveled: three for murder, three for manslaughter, 46 for assault and battery, two for assault with intent to kill or do bodily harm, three for assault on an officer, six for assault with deadly weapon, and one for resisting an officer. An average 56 indictments of the county's 14,673 residents constituted nearly .04% of the population.

Fayetteville's *The Arkansian* carried on the paid promotion of patent medicines, such as Ayer's Cherry Pectoral (now known to have contained opium as a key ingredient)[23] and Dr. Hoofland's German Bitters and his Balsamic Cordial. There were discreet notices of alcohol sales, such as the St. Louis enterprise under J. A. Monks which noted: "Parties may rely on getting a pure article of anything in my line. Choice old Bourbon whisky direct from Bourbon County Kentucky always on hand." Also advertising from St. Louis was a "Distillery Works" manufacturer: "Particular attention will be given to Copper and Brass Work for Distilleries, accommodating from one to two thousand bushels per day. Plans and models for the various kinds of Distilleries kept on hand for the accommodation of customers..."[24] In the few extant editions of Fayetteville papers of the early 1860s, there seem to be no articles or editorials on the topic of temperance.

During the Civil War, Confederate leaders banned the manufacture of alcohol in order to conserve grain and other badly needed resources for the military. However, as the state soon fell into guerilla warfare, persons

McCOMB & KAISER'S

Bowling Saloon.

DEALERS IN

Bourbon Whisky,
Rye Whisky,

Port Wine
Madeira Wine.

Cognac Brandy
Holland Gin.
Imported and Native Wines.

BEER, BEER.

Constantly on hand.
We have just Received a large supply of Cigars; the best in the Market.

McComb & Kaiser's Bowling Saloon Advertisement, 1868
From: *Fayetteville Democrat*, July 25, 1868

distilling and distributing whiskey received scant attention from would-be enforcers. And the market for whiskey remained strong. Fayetteville's own David Walker, a community leader, legislator, and later state supreme court judge, made it known that he would pay "any price in or out of reason" for a supply of whiskey.25 During and following the war, social chaos allowed widespread freedoms for liquor manufacture and distribution among those who could obtain the necessary raw materials. Only the most conspicuous retailers would have felt compelled to seek out appropriate licensing. Licenses issued for dram shops and taverns during this period were:

1865
Thomas Carter, Fayetteville
1866
James G. Angles, Fayetteville
Martin G. Bonham, Fayetteville
Thomas Carter, Fayetteville
Henry Keiser, Fayetteville
1867
Henry Keiser, Fayetteville
Isaac Taylor, Fayetteville
1868
Thomas Carter, Fayetteville

The last of the tavern licenses were issued to Sarah Quarles, Fayetteville, July 13, 1867, and Susan H. Wing, Fayetteville, July 13, 1867.

On the heels of the war during the late 1860s, newspaper advertisements demonstrated a competitive saloon market and an accepting public attitude about drink. Taylor's Saloon & Billiard Room in 1868 advertised: "Isaac Taylor having fitted up his new Marble bed Billiard Table, calls the attention of all lovers of the game, that they may pass pleasure's time, by calling at 1st door East of Baum & Bros. On Main street. Good order will be preserved. Cigars of the finest brands, constantly on hand. Also, Genuine Port Wine, Genuine Cogniac, Genuine Bourbon, Genuine French Brandy, Genuine Native Wine, Genuine Imported Wine."[26]

The Morning Star Saloon in the Pettigrew Building, south side of the Square, was a project of Nolen & Carter: "Keeps constantly on hand the finest of Wine, Brandy, and Whiskey. Cigars, Oysters, Cheese and a general assortment of family groceries. They also have in connection with their saloon two excellent Billiard Tables, where lovers of this fascinating game can be accommodated at all times being day or night." W. L. Nolen advertised prominently in 1869 as "Dealer in Wines, Brandy, Whiskies and all kinds of LIQUORS. I intend to make a specialty of selling only the very best quality of liquor that can be procured and customers can rely upon getting no other at my establishment. .. Give me a call at the Saloon on the North side of Main street, third door from the square, Carter's old stand."

Kaiser's Saloon advertised "Bourbon, Rye and Corn Whiskey,

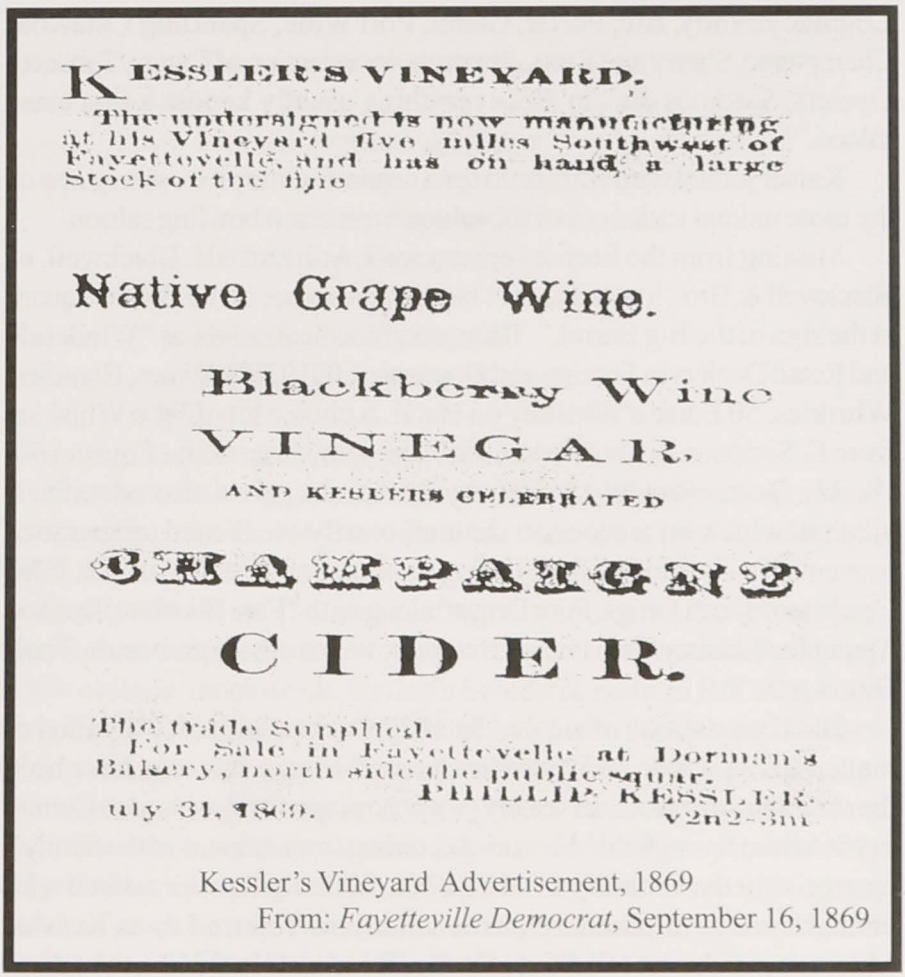
Cogniac Brandy, Ale, Porter, Claret, Port Wine, Sparkling Catawba, Champagne, Sherry and Rum. Also a choice selection of Cigars, Tobacco, Oysters, Sardines &c., in fact everything usually kept in a first class saloon."[27]

Kaiser joined with McComb for a separate enterprise, surely one of the more unique variations of the saloon business, a bowling saloon.

Missing from the license registry were A. J. and S. J. Blackwell, of Blackwell & Bro., located at the "Northwest corner of the Public Square at the sign of the Big Barrel." They promoted themselves as "Wholesale and Retail Dealers in Foreign and Domestic LIQUORS, Wines, Brandies, Whiskies. 50 Barrels Whiskey on Hand. A choice lot of Fine Whiskies from E. Simpson & Co., New York." The same page of the *Fayetteville Weekly Democrat* (July 1869) shows that druggists also advertised alcohol, which–in reaction to the temporarily-weakened temperance movement— was increasingly being promoted as "medicinal." Dr. P. M. Cox listed "Fresh Drugs, Pure Drugs" along with "Fine Bourbon, Rye and Magnolia Whiskey, Fine French Brandies, Wines of various brands, Tonic Bitters, etc."[28]

Local production of alcohol by 1870 was not limited to distilled or malted spirits. Philip and Kate Kessler established what may have been the state's first commercial winery when they came to Washington County in 1866 from Springfield Missouri. According to an account of the family's enterprise in the February 1984 *Flashback*, Philip Kessler arrived with enough wealth to purchase prime land (now referred to as Kessler Mountain, southwest of the Cato Springs Road and Hwy 540 intersection) where he immediately established a vineyard and winery. Between 1869 and 1873, notices in local papers advertised a "full supply of native grape wines [and] celebrated Champaign Cider. The trade supplied for sale at Dorman's Bakery." Kessler's "Wine Halle" opened on West Center Street and included billiards.

Grand jury indictments in 1869-71, aside from numerous actions for debt, contempt, and trespass, were: nine for larceny, ten for grand larceny, three for burglary, one for fraud, one for robbery, 16 for assault, two for assault with intent to harm/kill, four for murder, one for disturbing church, eight for breaking Sabbath, and 34 for gaming. The mood of the times did not seem to countenance legal action for mere use of intoxicating drink; there was only one alcohol related arrest, for "tipling". Overall, an average



KESSLER'S VINEYARD.

The undersigned is now manufacturing at his Vineyard five miles Southwest of Fayettevelle, and has on hand a large Stock of the fine

Native Grape Wine.

Blackberry Wine

VINEGAR,

AND KESLERS CELEBRATED

CHAMPAIGNE

CIDER.

The trade Supplied.
For Sale in Fayettevelle at Dorman's Bakery, north side the public squar.
PHILLIP KESSLER.
July 31, 1869. v2n2-3m

Kessler's Vineyard Advertisement, 1869
From: *Fayetteville Democrat*, September 16, 1869

annual 30 indictments comprised less than .02% of the county's 17,266 population.

However, lawlessness following the Civil War began to produce communities intolerant of boisterous behavior and a population of distraught people who often shared the belief that alcohol intoxication was the primary cause of lawlessness. The resurgence of temperance societies led by charismatic speakers spread throughout the state. John Hallum, who served four terms as president of the State Prohibition Alliance of Arkansas, was later credited as pivotal in the Alliance's success in "the pioneer work that later brought prohibition to Arkansas."[29] Such activist organizations and their efforts led to the development of licensing laws meant to restrict the availability of alcohol. In 1871 the state allowed localities to pass laws

forbidding the sale of liquor within three miles of a college, which Fayetteville and Cane Hill soon enacted. The so-called local option law of 1879 became the instrument most useful in drying up liquor sales. It "required voters within a township or incorporated town to vote every two years on whether or not to permit the granting of licenses to sell alcohol in quantities of less than five gallons. If the license option failed to gain a majority, then saloons were out of business for at least two years." Most often, once voted dry, the jurisdiction never managed to go back to being wet.[30]

In reality, such changes did not take effect immediately. For example, early 1870s advertisement of liquor stock available from Fayetteville merchants did not necessarily correspond with listed licensees. In advertisements running through the February 1870 editions of the *Fayetteville Weekly Democrat,* Isaac Taylor announced his "New Saloon," informing the public that he had "opened an entire new stock of Liquors at Taylor's old stand on Main Street, and will keep at all times the very best Brandies, Wines, Whiskies, Cigars and everything usually kept in a First Class Saloon." Blackwell continued to advertise their liquor goods, as did the pharmacist Cox. By 1872, a new pharmacist J. C. Pendleton (successor to Peacock & Pendleton) promoted "Strictly Pure Wines and Liquors for Medical Purposes" along with his "chemicals, oils, patent medicine" and noted in fine print: "We are exclusive agent for the State of Arkansas for one of the best Distilleries of Kentucky, for their pure Bourbon Whisky, which we guarantee to be perfectly pure."[31]

The licenses for the 1870s for dram shops and liquor sales were:

1873

Reuben Carter, Fayetteville
Thomas Carter, Fayetteville
W. J. Gilliland, Fayetteville
John Reed, Hog Eye
Ewing G. Suttle, Fayetteville

1874

Reuben Carter, Fayetteville
John Reed, Billingsley

1875

A. E. Carney, Billingsley
William Smith, Spring Valley

1877

Alonzo Sawyer

1881 was a landmark year for the issuance of dram shop and liquor sales licenses, with thirteen permits granted– the greatest number of any year.

John H. Cato, Farmington
Phillip Corrigan, Fayetteville
Caleb Cox, Summit Home
C. S. Gray, Fayetteville (physician)
J. W. Harman, Oxford's Bend
J. N. Lyles, Fayetteville
E. P. Neal, Crawford Twp
B. H. Payne, Eidson's Springs
W. H. Pitts, Fayetteville (two indictments)
Frederick Schmitzer, Crawford Twp
C. M. Sparkman, Crawford Twp
Whitlow & Lake (pharmacy), Fayetteville
T. H. Woolem, Summit Home

In 1882, 1885, and 1886, John H. Cato, Farmington, received the only license issued in Washington County. In 1876, he had purchased a successful Farmington grist mill from Abe Allen, who was cousin to Farmington's founding father William Engles. Cato immediately built a whiskey distillery next to the mill, incurring the wrath of Engles who was an "arch enemy of strong drink" and who began a campaign to have it outlawed in the area.[32] Since the state and federal government could gain income from licensing whiskey manufacturing, Cato would have been a legal diehard.

A review of the 1881-1882 indictment record of the county reflects enforcement of the new laws regulating alcohol sales. There were eleven indictments for providing liquor to a minor. There were 18 counts of selling liquor within three miles of a college, four persons indicted with a total of 14 counts for keeping a "dram shop and drinking saloon for the sale of malt liquors without a license," and four arrests for selling "ardent and fermented liquor without a license." J. Harmon, licensed in 1881, was indicted that year for selling liquor to a minor. J. N. Lyles, also licensed, received two indictments for selling liquor within three miles of the University,

four indictments for "keeping a dram shop and drinking saloon for the sale of malt liquor without a license," one count of selling a half gallon of ardent and fermented liquor, and two counts of selling malt liquor on the day of an election. (J. N. Lyles was the son of E. S. Liles who had been licensed personally and as Liles and Thomas during the 1850s for dram shop operations in Fayetteville.) James/J. H. Barnes, a 20-year-old Prairie Grove resident, received four indictments for keeping an unlicensed dram house/saloon, two counts of selling within three miles of Cane Hill college, one count each for selling one quart of liquor, for selling "intoxicating liquors commonly called tonics and bitters," and for selling to a minor.[33]

Other morals indictments in 1881-82 were eight for disturbing a religious congregation, 23 for breaking the Sabbath, two for cohabitation, 20 for gaming (cited as $5 pots on "Pocre" or "Seven-up"), and one for "buggery upon a certain bitch and female dog." Property offenses included nine for failure to work/maintain the public road, one for killing fish by using an explosive in the Illinois River, two for financial fraud, two for larceny, and five for grand larceny. Violence resulted in nine indictments for assault and battery, two for arson, four for attempting to "rescue" a prisoner, one for robbery, six for assault with deadly weapon, five for assault with intent to kill/do bodily harm, two for assault with intent to rape, and one for murder. Offenses categorized as disturbing the peace totaled 27. The greatest number of charges were 52 for "wearing a weapon," a result of new laws attempting to separate men from ready use of arms.[34] An average of 90 indictments per year constituted nearly .04% of the county's 1880 23,844 population.

By 1888, there were seventy-five local temperance unions in Arkansas and a call for legislators to require schools to teach abstinence. (The Hillhouse Act, passed by the legislature in 1899, put such material in classrooms.[35]) Sensitive to the public mood, Fayetteville merchants published notice of their wares whether licensed or not, although the text of such ads made it clear that the sale of alcohol for recreational consumption no longer occurred. J. M. Whitworth, proprietor of the Iron Clad Drug Store advertised "Best of Wines and Liquors when used for Sacramental or Medicinal purposes. OTHERWISE NONE." Whitlow & Lake, who were licensed in 1881, ran an ad series that year promoting their "New Drug Store" on the north side of the Square, "doo" west of McIlroy's Bank.[36] (W. H. Whitlow "dominated" local drug store

Burning whiskey on the grounds of the Washington County Courthouse, October 25, 1902. Sheriff William Rollins, *left*, in hat looking at camera.

(Photo courtesy of: Shiloh Museum of Ozark History/ Washington County Historical Society Collection, P-260A)

commerce, serving as a pharmacist and wholesaler.[37] This did not, however, protect him from the law. George T. Lake and W. H. Whitlow received an 1883 indictment for selling within three miles of the University.) By the end of 1882, no ads are found announcing where interested shoppers might buy whisky, even as medicine. However, patent medicine was conspicuously advertised on Fayetteville newspaper pages, and a multitude of drug store notices mention that "all drugs and medicines" are constantly in stock. Hostetter's Bitters were advertised in every edition.

One court review of such products, citing specifically Dr. B. F. Sherman's Prickly Ash Bitters, stated that "one gill [four ounces, or one-half cup] ... will produce intoxication."[38][39] Observers wryly noted that by this time a substantial percentage of the male population had become afflicted with ailments requiring medicinal spirits.[40]

With the local papers awash in promotions for drug stores and patent medicines, the Washington County Grand Jury's Fall 1889 term indicted fourteen men for selling liquor without a license, the greatest number of indictments being shared by Boyd and Bird Collier (seven). One case of

this term, that of George Quick who received three indictments for "selling alcoholic ardent and vinous liquors and intoxicating spirits" without a license, provides an interesting fuller view of such cases.

On January 24, 1890, the *Fayetteville Democrat* (weekly) reported his arrest: "George Quick was arrested Saturday on the charge of selling whiskey, presented by the last grand jury. On default of bail, he was committed to jail." At the April 1890 session of the circuit court, George's bond hearing was first on the docket. His father James Quick posted his $250 bond and subsequently renewed it several times more over the next year to keep him out of jail as George's case was continued because witnesses failed to appear. T. W. Thurman and W. E. Long were the elusive witnesses for the state and William Horton, Jake Harmon, and Thomas Bynum for the defendant. These delays caused the case to be postponed to the Fall 1890 session, at which time the court required the witnesses to post a $200 bond each to ensure they would appear at future court dates.

But two key witnesses for George remained elusive. In the Fall Term it was reported to the court that witness Bynum was in Monett Missouri but not "absent by the consent, connivance, or contrivance of the Defendant," according to Walker and Walker, legal counsel for George. By the same argument, George's other key defense witness Harmon was inconveniently in Greenwood Arkansas, but was expected to be "here by next court." George pleaded not guilty, stating that Bob Lee was the one who sold the liquor, and made a motion for a change of venue stating that "the minds of the inhabitants of the county of Washington are so prejudiced against him that he can not obtain a fair and impartial trial in said county." Testifying for the change request was the one available defense witness, Will Horton, who agreed that George couldn't get a fair hearing in Washington County. The court granted a change of venue to Benton County. Benton County records show a court hearing in February 1891 but no disposition of the case was documented. Family records reveal that George died March 22, 1891, age 22, but no place or cause of death is noted.[41] While there is no evidence that the prosecution led to his death, his legal woes would have exacerbated any other problems he may have been experiencing.

During the period of George's prosecution, Washington County's 1890-91 grand jury indictments included 45 charges of selling "alcoholic,

malt, ardent, vinous, and intoxicating spirits" without a license and one charge of selling to a minor. (Previously licensed J. H. Cato received three indictments in this period and J. Lyles received six.) Other morals complaints were four for illegal cohabitation, 22 for disturbing a religious congregation, eleven for breaking Sabbath (one for selling a suit of clothes, the rest for playing cards), and one for seduction. Disturbing the peace produced 24 indictments, with an additional 15 for wearing weapons. Property offenses included three offenses for road work, three for fraud, one burglary, five larceny, eleven grand larceny, and one cruelty to animal. Violent acts resulted in four indictments for murder, two for manslaughter, two for robbery, 16 for assault and battery, five for assault with intent to kill, and five one for assault with deadly weapon. An annual average of 82 charges involved slightly less than .03% of the county's 1890 population of 32,024.

It was reported that the old Kessler wine cellars served as a secret location for a productive distillation operation in the late 1800s when the push for prohibition and federal agents had driven such enterprise underground. The federal government had enacted an 1862 tax act to help pay for the war effort, including a tax on alcohol distilleries. Later these laws allowed federal agents widespread access to local "moonshiners." Operating under the "Office of the Commissioner of Internal Revenue," reviled deputy commissioners, or "revenuers," ventured into the countryside by the 1870s, searching out renegade distilleries. This stoked the ire of independent backwoodsmen in Arkansas, especially Confederate sympathizers who carried not only a cultural appreciation of drink but who also despised the federal government. They became ingenious at hiding their stills and brazen in ambushing revenuers. For every license issued for legal alcohol sales in Fayetteville, there were no doubt a multitude of 'shine operations both within the city and out in the county, evidence for which is obvious in the continuing arrests for alcohol offenses.

By the end of the century, the state's prohibition party ran candidates for state and federal office and temperance extremist Carrie Nation – later residing in Eureka Springs – had begun her violent hatchet attacks on liquor supplies in Kansas saloons. The county's grand jury in 1899-1900 found 118 outrages worthy of their censure. Alcohol offenses resulted in 19 charges: six for giving away alcohol within three miles of a college, one for providing to a minor, and the rest for selling without a license, including a count against J. H. Cato. Other morals charges were breaking Sabbath

(3), disturbing church services (5), betting (3), cohabitation (2), and carnal knowledge of a child under 16 (1). Disturbing the peace resulted in 42 indictments, with another nine for weapons. Property offenses included three for malicious mischief, three for fraud, one for burglary, six for larceny, and ten for grand larceny. Violence resulted in ten indictments for assault and battery, one for robbery, two for assault with intent to harm/kill, four for assault with deadly weapon, one for assault with intent to rape, one for manslaughter, and one for murder. An average of 59 offenses per year comprised slightly less than .02% of the county's 34,000 population.

In 1906, 54 of Arkansas' 75 counties voted dry. In 1910-11, offenses in Washington County against the peace and dignity of the state included 99 alcohol related charges: a staggering 80 indictments for public intoxication, nine for providing liquor to a minor, one for procuring liquor for another in a prohibited district, three for selling within three miles of a college, and six for selling liquor without a license. Other morals indictments were gaming (33), disturbing church services (21), and a variety of miscellaneous charges including giving medicine to induce an abortion, profanity, and seduction (7). Twenty one were charged with disturbing the peace and seven for wearing weapons. Eight persons, including individuals curiously named Bony Arnett and Teats Arnett, were charged for malicious mischief, with other property crimes including two for fraud, one for larceny and two for grand larceny. Violence occurred in ten assault and battery offenses, one assault with intent to inflict bodily harm, one with intent to rape, two as accessory to murder. An average of 109 indictments comprised just over .03% of the county's 33,889 population.

As the prohibitionists gained strength, state law by 1915 reflected the anti-alcohol fervor. That year a bill criminalized all production or sale of alcohol even as medicine, preceding national prohibition by four years. In 1917, state legislators enacted a further measure prohibiting any shipment of liquor into the state, removing local option in city or county and making Arkansas one of the first "bone dry" states. National prohibition, the so-called Volstead Act, went into effect October 28, 1919.

In 1920, a total of 160 indictments/cases involved just over .04% of Washington County's population of 35,468.42 There were 18 charges related to alcohol: one for providing to a minor, four for selling without a license, two for transporting, one for public drunk and ten for manufacturing alcohol. Other morals charges were 23 indictments for selling cigarettes,

three for pandering, three for carnal abuse, one for cohabitation, two for breaking Sabbath, four for disturbing church, and 16 for gaming. Property offenses included malicious mischief (7), road (1), burglary (7), larceny (1), grand larceny (33), and forgery or other fraud (10). Disturbing the peace charges were leveled against nine persons and another five were indicted for wearing weapons. Violence was involved in two arson offenses, three robberies, two assault with intent to rape, six assault and battery, and seven assault with intent to harm/kill, and two murder. [43]

Among the persons indicted in 1920 were five members of the Ritchie family. In September 1918, Christopher C. Ritchie, oldest son of Elias and Mary Ann "Polly" Ritchie of Delaney, had purchased over 500 acres in Hazel Valley near the headwaters of the Middle Fork of the White River. While newcomers to Washington County, Ritchie family members had been in the same general area on the Madison County side of the line for decades. Elias was one of several children born to Hiram and Euphemy Ritchie of Kentucky. Members of this family migrated to Arkansas and settled in Madison County shortly after the Civil War. Elias and Polly had established a homestead in Valley Township by the time of Christopher's birth in 1873, and another five children would be born to them by the end of 1886. They lived in the area now known as Delaney and Crosses. Hiram died in Madison County in 1886, while Euphemy died in Kentucky in 1895.

In January 1920 when the census enumerator came to Christopher's household near Osburn, Reed Township, Washington County, Christopher (45, farmer) and his wife Sarah Evoline (42) listed the following children: Lee 18 (teamster), Alton 16 (teamster), Bulah 14, Dorthy 12, James C. 10, Eli 8, and Thelma 3 months. Next door was the household of their oldest son Garland Ritchie (24, farmer) and his new wife Birdie Jewell, who was expecting their first child. Christopher had paid nearly $2000 for his rich bottomland along both sides of the river, which was good for farming in an otherwise rugged part of the county.

Indictments issued in 1920 accused Garland Ritchie and his brothers Lee and Alton, as well as their uncle Hiram Ely Ritchie (age 34 in 1920), of manufacturing alcohol in March of that year. Another indictment was issued for Christopher Ritchie, who was accused of disturbing the peace on April 22, 1920, and in particular the family of John Osburn, by running his horse on the public highway and using profane, obscene, violent, insulting

language, and by making loud and unusual noise. Osburn was listed as one of the witnesses against the Ritchie boys and Christopher's behavior on April 22 likely occurred after the family became aware of Osburn's role in the charges against them. As part of the family for whom the settlement of "Osburn" was named, John evidently considered it his responsibility to report illegal liquor production in an operation near his family lands.

A sampling of public attitude about alcohol prohibition is reflected in news contemporary to these occurrences. The *Fayetteville Democrat* ran a story entitled "Alleged Moonshine Liquor, Man Taken," stating "About three gallons of white "licker" supposedly moonshine whiskey, was captured on the Billie McCormick farm near Mount Comfort yesterday ... the liquor has been jailed for safekeeping. McCormick, who is about 35 years old, told the officers that he found the liquor ... The case has been reported to the U. S. Marshal's office at Fort Smith." A few days later the paper ran an article entitled "The Two Alcohols," which advised that "The wave of wood alcohol poisoning has subsided somewhat, but there are still large numbers of cases occurring all the time. The dangerous nature of wood alcohol is not yet sufficiently appreciated ..." The lengthy article goes on to describe the differing effects of the two substances and at one point concludes that "It is of little avail to prohibit the consumption of a mild poison if it is to be replaced by one infinitely more deadly."[44]

Christopher posted bond for himself in a $250 lien against his property, and also posted $750 bond each for Lee and Alton. On May 5, 1921, the court under Judge W. A. Dickson heard the cases for Garland and Hiram, both of whom had remained in custody of Sheriff H. E. Jackson pending a hearing. Both pled guilty "of manufacturing liquor and places himself at the mercy of the court and the court being well advised in the premises doth fix said defendants punishment at imprisonment for one year in the Arkansas state penitentiary, whereupon the defendant in person in open court waives the time required by law for sentence and asks that he be sentenced now ... to be safely and speedily transported to the penitentiary house, or state convict farm or camps of the state of Arkansas, and there confined at hard labor for the period of one year from this date .."

Shortly after this sentencing, deeds showing Christopher's transfer of land title to his wife Sarah were registered with the county. The bulk of the lands, an accumulation of roughly 423 acres, was deeded to Sarah in a

document dated December 20, 1918, but not filed until May 23, 1921. An additional 108 acres were deeded to her May 13, 1921. This seems to have placed all the Christopher Ritchie lands into her name, and raises the question of whether Christopher's original deed to her in 1918 was to somehow protect the property from adverse results of alcohol production which he anticipated or had initiated there.

Records from the Arkansas State Penitentiary state that Hiram Ritchie was 35 years old, 132 pounds, five feet seven and one-half inches tall, with a fair complexion, brown hair and blue eyes.[45] He reported a first grade education, employment as laborer, and his adherence to the "Holiness" faith. The Descriptive Register listed "one upper gold tooth, many small scars on head, 4 small scars left forearm." Garland Ritchie, age 24, was 147 pounds, and five feet seven inches tall, with a ruddy complexion, black hair, and brown eyes. He reported an eighth grade education, employment as farmer, and no religion. Marks included "quick [fresh] scar right side chest, scar left forefinger, two small scars on abdomen." Both men stated they were born at Crossett [should be "Crosses"], Arkansas, and resided at Osburn. They were admitted on May 15, 1921 and paroled on September 12 of that year, each serving four months of their year sentences.

In the October 1921 term of the circuit court, Christopher was fined $5 for his offense of disturbing the peace and both Lee and Alton were discharged from their indictments for liquor manufacturing in a *noll prosequi* action by prosecutor J. W. Nance.

The 1930 census shows that the extended Ritchie family had moved to Oklahoma, just across the line to Adair County. Christopher and Sarah's household was one door away from Garland and Birdie at Stillwell. Family records show that the birth of Garland's first child occurred in Oklahoma in 1920, suggesting that at least Birdie moved soon after the indictment. Two additional children were born to Garland and Birdie in Oklahoma, in 1922 and 1929. Christopher lived until 1944, Sarah til 1946. Garland died in 1985 at Stillwell, and Alton in 1983 at Tahlequah. Lee remained in the family household at age 29, as shown in the 1930 census, along with Dora 24 and two young children listed as Christopher's grandchildren. These were likely Lee's family. He died in 1934 at the age of 33.

Christopher's brother Hiram (youngest child of Hiram and Euphemy) noted on his World War I draft registration that he was of Crosses, age

29, and a laborer at the Amos Martin Handle Company at Crosses. A month earlier he had joined the state guard, but noted on the registration form that he had "volunteered twice and been rejected." Genealogical records state that he served as a private in the U. S. Army during World War I, never married, remained in Delaney all his life, died after an extended illness in 1960 in Fayetteville, and was buried at the Walnut Grove Cemetery in Madison County.

The Ritchie family's imbroglio was only one of many such cases in the county, state, and nation during that time. For the next fourteen years, unregulated alcohol production and sales spawned violence and lawlessness ultimately leading to the formation of powerful crime syndicates. Efforts at home production led to infamous bathtub gin and other poisonous brew. Steadily increasing allotment of tax dollars to support law enforcement efforts by local, state and federal agencies did little to staunch the rise of collateral damage to families and communities nationwide. Underground "speakeasies" and networks of bootleggers and rum runners gained public favor under widespread disrespect for prohibition laws.

Nationally, statistics of the period reveal the disastrous results of prohibition:

"The early experience of the Prohibition era gave the government a taste of what was to come. In the three months before the 18th Amendment became effective, liquor worth half a million dollars was stolen from Government warehouses. By midsummer of 1920, federal courts in Chicago were overwhelmed with some 600 pending liquor violation trials. Within three years, 30 prohibition agents were killed in service.

"Other statistics demonstrated the increasing volume of the bootleg trade. In 1921, 95,933 illicit distilleries, stills, still works and fermentors were seized. In 1925, the total jumped to 172,537 and up to 282,122 in 1930. In connection with these seizures, 34,175 persons were arrested in 1921; by 1925, the number had risen to 62,747 and to a high in 1928 of 75,307. Concurrently, convictions for liquor offenses in federal courts rose from 35,000 in 1923 to 61,383 in 1932.[46]

On December 5, 1933, the nation's failed experiment in alcohol prohibition officially ended. Arkansas became fully "wet" for low content beer and wine until 1935, when a new state law allowed counties to vote themselves dry. It had been roughly 100 years since the first settlers convivially shared homemade whiskey in the homes, dram shops, and

taverns of Washington County.

ENDNOTES

[1] Johnson, Ben III. *John Barleycorn Must Die: The War Against Drink in Arkansas.* Fayetteville: University of Arkansas Press, 2005, p. 7.

[2] *History of Washington County, Arkansas.* Springdale, AR: Shiloh Museum,1989, p.135.

[3] The list of miscellaneous licensees was produced by staff at Washington County Archives, derived from county records.

[4] *History of Washington County, Arkansas,* p. 1217.

[5] *Ibid,* p. 92.

[6] *Ibid*, p. 927-9.

[7] *Ibid*, p. 607.

[8] Campbell, William S. *One Hundred Years of Fayetteville 1828-1928.* Fayetteville, AR: Washington County Historical Society, 1977, p. 5-6.

[9] This and subsequent accounts through 1871 of county indictments are as reported in county archives, circuit court records. Starting with 1881 and through 1911, accounts are as reported in county archives "Indictment" records. The term "arrest" sometimes used in this narrative is an assumption of action which would precede or follow an indictment.

[10] *History of Washington County, Arkansas,* p. 1450.

[11] Riffel, Brent E., "Prohibition," *The Encyclopedia of Arkansas History and Culture.* http://encyclopediaofarkansas.net .

[12] Johnson, p. 12.

[13] Venable, Austin T. "Documents: The Constitution and Proceedings of the Fayetteville Temperance Society, 1841-1844,"*Arkansas Historical Quarterly*, III (Summer 1944), p. 164-181.

[14] Johnson, p. 12.

[15] *History of Washington County,* p. 952.

[16] *Ibid*, p. 1264.

[17] Ibid, p. 158-9.

[18] Campbell, p. 44.

[19] *South-west Independent.* Fayetteville, AR: W. Quesenbury, 1853 multiple editions.

[20] Young, James Harvey. "St. George and the Dragon," *The Toadstool Millionaires: A Social History of Patent Medicines in America before Federal Regulation.* Princeton, NJ: Princeton University Press 1961. Online at www.quackwatch.com

[21] *South-west Independent,* June 16, 1855.

[22] Shaw, Robert B. "History of the Comstock Patent Medicine Business and Dr. Morse's Indian Root Pills," http://www.fullbooks.com/History-of-the-Comstock-Patent-Medicine.html

[23] "Papaver Somniferum" http://www.poppiesshop.com/papaver-somniferum/papaver-somniferum.html

[24] *Arkansian.* Fayetteville, AR: J.R. Pettigrew and E.C. Boudinot, November 9, 1860 through March 1861.

[25] Johnson, p. 21.

[26] *Fayetteville Weekly Democrat.* Fayetteville, AR: *s.n.,* October 31, 1868.

[27] *Ibid*, August 1, 1868.

[28] *Ibid*, most editions 1869.

[29] *Arkansas Historical Quarterly,* X, p. 263.

[30] Johnson, p. 42.

[31] *Fayetteville Weekly Democrat,* 1872 (most editions).

[32] *History of Washington County,* p. 991.

[33] No records have been found describing the regulation of "tonics and bitters," but evidently by this time the state had passed laws allowing such alcoholic products to be controlled.

[34] Charges for wearing weapons are not included in our tallies or percentages.

[35] Johnson, p. 40.

[36] *The Fayetteville Democrat*, 1881 (multiple editions).

[37] Campbell, p. 16.

[38] *Pacific States Reports,* California Supreme Court, Idaho Supreme Court, Kansas Supreme Court, Montana Supreme Court, Nevada Supreme Court, Oregon Supreme Court, Utah Supreme Court, Washington (State) Supreme Court. San Francisco: Bancroft-Whitney Company; Chicago: Callaghan and Company; St. Paul, MN: West Publishing Company, 1912. Online at http://books.google.com. Cited section on p. 528, from a Kansas case.

[39] Hostetter's and Prickly Ash advertisements, *Fayetteville Weekly*, May 29, 1880.

[40] Johnson, p. 43.

[41] Interviews and notes with descendants of the James Quick family, in the possession of the author.

[42] The indictment records for 1921 are not complete. We used the 1920 circuit court criminal record instead, which may include activity from 1919 or earlier indictments. The occurrence of 33 indictments/cases for burglary seems anomalous.

[43] The author makes no claim as to the statistical precision of these data or suggested trends. A more accurate view would be obtained by documenting all indictment/arrest data for every year of the period under discussion. Offenses for slander were not included. Offenses described as peace disturbances also included horse racing, running horses on a public highway, mayhem, riot, obstructing justice, practicing medicine without a license, "night riding,"

"tearing down a school notice," and boarding a moving train. All offenses cited are before adjudication.

44. *Fayetteville Democrat,* April 26 and April 29, 1920.

45. Records from the Arkansas State Penitentiary were obtained from the Arkansas History Commission in Little Rock.

46. "The History of Alcohol Prohibition" from *Marihuana: A Signal of Misunderstanding. The Report of the National Commission on Marihuana and Drug Abuse.* Commissioned by President Richard M. Nixon, March 1972.

Lemke Prize Submission Period Nearing End

The submission period for the 2nd Annual W.J. Lemke Prize will end on May 31, 2009. Anyone interested in Washington County history, whether a professional or amateur historian, is encouraged to enter. Topics can be on any phase of Washington County's history or archeology, deal with an individual or institution connected with the county, and can address any time period.

The winning article will receive $300; Second prize receives $200. Both winners receive framed certificates. Winners will be recognized at the annual ice cream social in August 2009.

Manuscripts will be judged on their contribution to the expansion of the county's history; the originality of the subject; and, the use of primary and secondary sources. The manuscripts must be original material, and not have been previously published; no more than 40 pages, typed, and doubled-spaced. Footnotes should be included on separate, double-spaced pages, although they do not count toward the 40-page limit. The title page should contain the heading "W.J. LEMKE PRIZE," the full title of the manuscript, the author's name, mailing address, telephone number, and email address.

Entries become the property of the Washington County Historical Society and will not be returned to the author. All papers will be considered for publication in the *Flashback.* The Society reserves the right to award one or no prizes.

Copies of all entries in the Lemke Prize will be deposited with the Special Collections Department at the University of Arkansas Libraries. Entries may be mailed to Tim Nutt, Washington County Historical Society, 118 E. Dickson Street, Fayetteville, AR 72701, or emailed to timn@uark.edu by **May 31, 2009**. If the entries are emailed, they should be either in the PDF or Microsoft Word format.

For additional information on the W.J. Lemke Prize, please contact Tim Nutt at the above address or at 575-8443 or timn@uark.edu

Telephone Company Advances With City: Early Phone is Curiosity; First Telephone System Here Was Installed by Judge Berry

[Reprint]

Up in Judge Millard Berry's house there is a piece of polished brown wood, hollowed here, curved there, fitted with a bit of fabric a length of wire and a brass button. It looks like the beginning of an electric table lamp, but it isn't. It is the beginning of a telephone system.

In the days before "Central" was summoned by the lifting of a receiver and any voice on the continent was at the bidding of Springdale, this queer contraption used to be Springdale's first telephone. There was another just like it, and a length of copper wire, a quarter of a mile long, ran from one to the other. One hung on the wall of the Springdale Roller Mill and the other "uptown" at B.F. Deaver's store. When the men at the mill felt the need of consultation with those at the store—which was often the case, since the mill accounts were handled by the store—they went to the instrument and tapped on it with a lead pencil; the sound of the pencil tapping set up vibrations which were amplified and transmitted through the vibrating brass button along the copper wire; and the men at the store came right over and talked in the thing. The principle was much the same as that of the tin-can telephones through which youngsters shout at each other from one yard to another, but Judge Berry says it worked.

That's what he says, and he was here and the News reporter wasn't. But we wonder if the millers didn't have to go out on the steps now and then and shout up to the store "Answer your acoustic phone!" the way people have to do now and then on party lines. Anyway the acoustic phone introduced Springdale people to the convenience of talking to their neighbors without going to see them.

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*This article originally appeared in *The Springdale News*, April 29, 1937.

The city wouldn't have had electric telephones as early as it did if Judge Berry hadn'nt lived so far from his abstract office. He got tired of walking home on errands and in the spring of 1896 he bought two telephones from the Dunlap Construction Company at Springfield, Missouri and put one in his home and the other in the Berry abstract office in the rear of the Bank of Springdale, which at the time occupied the building now in use by the Southwestern Gas and Electric Company.

Judge Berry had no original intention of cutting the town in on his new convenience, and he maintains that it was not civic pride but a yen for his own personal comfort that led him to install these first telephones. But people kept dropping into the office and being fascinated by the strange product of science which their abstracter handled so casually. They wanted to talk in it too, but there was no point in that, for the line ran only the Berry home, so they wanted one of their own.

It was not long before Judge Berry installed in his office a five-drop switchboard, and no doubt he regretted it almost at once, for he had to be the operator when he was at the office and there wasn't any operator when he wasn't at the office. But the little switchboard formed a connecting link between the first fortunate businesses of the town.

Even five telephones didn't seem to suffice after a few weeks, the little switchboard was traded in on a larger one, with 25 drops, and Charles Sanders was employed as operator. Then a 50-drop switchboard replaced the smaller one, and Judge Berry had the telephone situation pretty well in hand.

At that time, he was operating an abstract office in Fayetteville as well as in Springdale, and driving from one town to the other soon became nearly as tiresome as running back and forth between home and the office. There was a Fayetteville Telephone Exchange in that town, with the switchboard in the old First National Bank Building, so the Berry telephone lines began to edge down the highway toward Fayetteville. The posts got as far as the city limits and then Fayetteville interests protested against the new line coming in; permission to take the line into Fayetteville was granted after a session with the city council, and the Fayetteville Telephone Exchange connected Judge Berry's line to their switchboard thus giving Springdale telephone connection to Fayetteville. The Springdale switchboard was now outgrowing the abstract office, so a new switchboard

was moved upstairs just over the office, and operated by Fred Horton, in 1899. J.N. Hulsey and Henry Cowan were linemen.

In the meantime, business interests made it advisable to establish connections with other nearby towns, so Judge Berry ran a line to Rogers and put in a telephone exchange, and later extended that line to Bentonville. From Rogers he bought a line to Seligman, Mo., and the home folks began to realize how big the world was. After the Rogers service was well established, Judge Berry rebuilt the line from that point to Seligman so as to furnish efficient service.

East to Huntsville, by way of Sonora, Spring Valley and Hindsville, the local telephone lines ran. The North Arkansas Telephone Company was formed with Judge Berry as president, James W. Dupree as vice-president, J.P. Deaver as secretary-treasurer, G.G. Dodson and S.H. Slaughter. The company had a capital stock of $25,000.

The telephone system as operated by the new company made use of a full copper circuit, with the phones good for a 500-mile circuit. James Dupree managed the local service, and found it necessary to insert a notice in the Springdale News about the use of the telephone.

"Ask Central the time of the trains and if they are on time," ran some of the rules.

"Don't use your telephone during a thunderstorm."

"Don't use your phone longer than you need to. Somebody else may want to use the line."

"Always ring off when you get through talking."

From Fayetteville, the North Arkansas Telephone Company ran a line to Alma, where it connected with the Bell Telephone system, and in this manner Springdale was supplied with telephone connection to Fort Smith and points beyond.

The Bell Telephone Company bought it out the North Arkansas Company inn 1915 and has since operated the Springdale telephone system. The personnel of the office here is as follows:

Myrtle Owen, chief operator and cashier; Verna Conley, Naida Claypool, Iora Johnston, Kate Page, Minnie Watson, operators.

An exchange item printed in The News May 19, 1899, entitled "How to Use Your Telephone," gives an amusing sidelight on some of trials of telephone companies in early days. It ran:

If you have a telephone in your office or store, ring up "Central" and then go and wait on a customer.

Always speak in an undertone so as to make central ask you over what you want. If he does not hear you, tell him to wake up, or take the cotton out of his ears, or put his teeth in, etc.

Take your time in answering your bell, or what is better, do not answer it at all, but in about half an hour ring up and ask who called you, and get mad if central has forgotten who it was. He has nothing else to do but remember.

Allow everyone who wants to use your telephone.

Always hang the receiver big end up, as in this way it gets full of dust, which makes another cause for complaint.

Bang on the transmitter with a lead pencil as though you intended to knock it through the wall. This invariably makes it talk better.

Refuse to pay all toll messages, and if you are on a line with someone, always listen to them and be sure to want to use the line while they are using it. Whenever you see the manager, tell him if he can't give you a better phone or get the one you have fixed you will throw the whole thing out of the window.

When the inspector comes deny that you have ever complained of the telephone, and that it works like a charm.

Paste this in your telephone for future reference.

PLANNED GIFTS

Making charitable gifts to the Washington County Historical Society will enable it to continue and expand its programs.

If you are making regular gifts to the Washington County Historical Society or would like to start, you may find it beneficial to set up or give:

1. A **charitable lead trust** that will pay income to WCHS for a set period.
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5. **An irrevocable life insurance trust** that could own your life insurance, when it no longer serves its purpose, to make a charitable gift that could reduce the estate's tax bill.

There are a number of ways to enhance your retirement plans while still providing for your charitable interests and making gifts you never dreamed possible. Consult with your financial advisor on other ways you can make charitable donations. These planned gifts will provide added tax benefits for you and your heirs while helping to support the vital mission of the Washington County Historical Society for years to come.

FlashBack

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